

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 42340 | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/ES2004/000434 | International filing date (day/month/year) 06.10.2004 | Priority date (day/month/year) 24.11.2003 | |
| International Patent Classification (IPC) or national classification and IPC F41A35/02 | | | |
| Applicant INDUSTRIAS EL GAMO, SA et al. | | | |

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| <ol style="list-style-type: none"> This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. This REPORT consists of a total of 5 sheets, including this cover sheet. This report is also accompanied by ANNEXES, comprising: <ol style="list-style-type: none"> <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of sheets, as follows: <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
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| <ol style="list-style-type: none"> This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |
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| Date of submission of the demand 21.06.2005 | Date of completion of this report 27.03.2006 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Ziegler, H-J Telephone No. +49 89 2399-2894 |



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/ES2004/000434

Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 - With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-5 filed with the demand

Claims, Numbers

1-11 filed with the demand

Drawings, Sheets

11 filed with the demand

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 the description, pages
 the claims, Nos.
 the drawings, sheets/figs
 the sequence listing (*specify*):
 any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 the description, pages
 the claims, Nos.
 the drawings, sheets/figs
 the sequence listing (*specify*):
 any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|------|--------|----------------|
| Novelty (N) | Yes: | Claims | 3,4,9,11 |
| | No: | Claims | 1,2,5,6,7,8,10 |
| Inventive step (IS) | Yes: | Claims | |
| | No: | Claims | 3,4,9,11 |
| Industrial applicability (IA) | Yes: | Claims | 1-11 |
| | No: | Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

- D1: US-A-4 485 577
- D2: ES-A-2 194 564
- D3: US-A-5 308 205

The document D3 was not cited in the international search report. A copy of the document is appended hereto.

Some of the features of claim 6 do not characterise the subject matter claimed, which is a protective cover, because they are only clear as required by Art. 6 PCT in combination with a certain sporting rifle. Note that a combination of sporting rifle and cover is not claimed.

Therefore the subject matter of claim 1 is a protective cover, having predetermined dimensions, and comprising means for fixing.

Some features of the dependent claims and in particular all the features of claim 2 are disregarded, because they are not clear for the same reasons.

D1 discloses a protective cover with predetermined dimensions, having means (O-ring 43 in figure 4) for fixing the cover. The surface is smooth and can bear graphic information.

D3 (figure 1,2) discloses a protective cover (12), having predetermined dimensions and means for fixing the cover (20). It further discloses the additional features of claims 5, 6,7,8 and 10.

Hence, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,6,7,8 and 10 is not new in the sense of Article 33(2) PCT.

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The present application does furthermore not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Starting from D3, for a skilled person, it would be obvious in view of general knowledge to provide two or more projections on a cover, depending on the area to be covered (claims 4 and 9).

The form of the cover is also a matter of normal design procedure for the skilled person which does not involve any inventive activity.

Fixing a cover by means of adhesive is also not inventive in view of general knowledge.

The aim of the invention is to provide an aesthetic design and protection against dirt.

Also starting from D2, cited by the applicant, a combination with D3 would not involve any inventive activity, because protective covers are general common knowledge in every field of industry.